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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : International Application No.: PCT/EP00/02478  
Bruck : I.A. Filing Date: 20 February 2000  
Serial No.: 09/937437 : Priority Date: 26 February 1999  
For: Novel Compounds :

Commissioner for Patents  
Box PCT  
Washington, D.C. 20231

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS  
UNDER 35 U.S.C. 371 IN THE UNITED STATES  
DESIGNATED/ELECTED OFFICE**

Sir:

In response to the communication from the Patent Office mailed November 9, 2001, entitled "Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office," enclosed is the Declaration and Power of Attorney for this application, plus the duplicate copy of the Notice to File Missing Parts of the Application form.

The Notice also indicates a total claim fee of \$690 is required for 4 additional independent claims and 21 additional total claims and a multiple dependent surcharge. Applicants submitted a preliminary amendment with the application on September 26, 2001, cancelling all previous claims filed in International Application No. and added 31 total claims which included 5 independent claims, and no multiple dependent claims. Accordingly, the additional claim fee owed by applicants is \$450.00

The \$130.00 surcharge for filing the missing parts of the application should be charged to Deposit Account No. 50-0258. Any overpayment or refund should be credited to Deposit Account No. 50-0258.

Further enclosed is the "Sequence Listing" in computer readable form in accordance with the requirements of 37 CFR §§ 1.821(e).

03/20/2002 MALI11 00000079 500258 09937437

01 FC:154	130.00 CH
02 FC:966	180.00 CH
03 FC:964	240.00 CH

03/27/2002 THOLLAND 00000001 500258 09937437

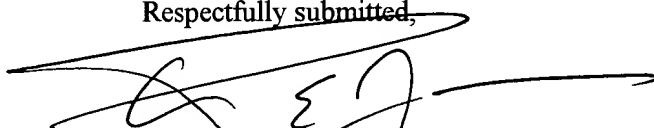
01 FC:117 920.00 CH

Docket No. BC45226  
Serial No. 09/937,437

**STATEMENT**

Applicant hereby states that the enclosed CRF diskette submitted herewith is identical to the paper copy of the "Sequence Listing" contained in the copy of International Publication No. WO 00/50599 which was submitted on August 23, 2001 for filing with the US Patent Office and contains no new matter.

Respectfully submitted,



Arthur E. Jackson  
Registration No. 34,354  
Attorney for Applicant

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**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being caused to be deposited on the date shown below with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Box PCT, Washington, D.C. 20231.

  
Susan C. Sheehan

3-11-02

Date

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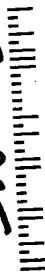
PCT INITIAL PROCESSING

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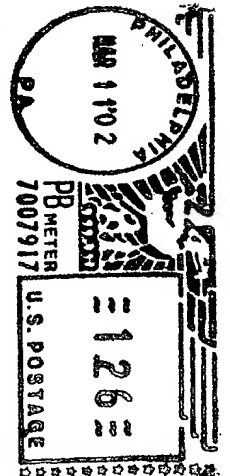
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Commissioner for Patents  
Washington, DC 20231

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U.S. APPLICATION NUMBER NO. 09/937,437	FIRST NAMED APPLICANT Bruck	ATTY. DOCKET NO. BC45226
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25308  
 DECHERT  
 ATTN: ALLEN BLOOM, ESQ  
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INTERNATIONAL APPLICATION NO. PCT/EP00/02478	
I.A. FILING DATE 03/20/2000	PRIORITY DATE 03/26/1999

CONFIRMATION NO. 2415  
 371 FORMALITIES LETTER



Date Mailed: 11/09/2001

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fees
- Priority Document
- Biochemical Sequence Listing
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Information Disclosure Statements
- Preliminary Amendments
- Request for Immediate Examination
- Preliminary Amendments have not been entered because it is off the original. I entered the annexes..

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- \$130 Surcharge for providing the oath or declaration later than the appropriate 30 months from the priority date (37 CFR 1.492(e)) is required.
- The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason (s):

- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e).
- APPLICANT MUST PROVIDE:
  - An initial or substitute computer readable form (CRF) of the "Sequence Listing."
  - A statement that the contents of the paper or compact disc and the computer readable form are the same and, where applicable, include no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b) or 1.825(d).
- For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:
  - For Rules Interpretation, call (703) 308-4216
  - To Purchase PatentIn Software, call (703) 306-2600
  - For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 or 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Additionally the following defects have been observed:

- Additional claim fees of **\$690** as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

#### SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$820** for a Large Entity:

- **\$130** Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is **\$690**
  - **\$240** for 4 independent claims over 3.
  - **\$180** for 21 total claims over 20.
  - **\$270** for multiple dependant claims surcharge.

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

TAMALA D. HOLLAND

Telephone: (703) 305-5483

#### PART 2 - OFFICE COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
09/937,437	PCT/EP00/02478	BC45226